

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Nick Reams

Case No: 4:13CR3006

USM No: 25255-047

Date of Original Judgment: 09/03/2013

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

David R. Stickman

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 37 months is reduced to 30 months.

(Complete Parts I and II of Page 2 when motion is granted)

The defendant shall not be released any earlier than November 1, 2015.

Except as otherwise provided, all provisions of the judgment dated 09/03/2013 shall remain in effect.

IT IS SO ORDERED.

Order Date: 05/15/2015

s/ Richard G. Kopf

Judge's signature

Effective Date: 11/01/2015

(if different from order date)

Richard G. Kopf, Senior United States District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

Nick Reams

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 4:13CR3006

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: <u>21</u>	Amended Total Offense Level: <u>19</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>37</u> to <u>46</u> months	Amended Guideline Range: <u>30</u> to <u>37</u> months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

Filing nos. 61 and 62 are granted as provided herein.

Mr. Reams' current projected release date is December 27, 2015, which accounts for the year off of his sentence should he successfully complete the RDAP.

He is eligible for a 7 month reduction in his sentence, resulting in an updated projected release date of December 16, 2015. The updated release date is the date he is eligible for release should he take the reduction in lieu of completing the RDAP.

Mr. Reams has a tentative RDAP completion date of June 30, 2015. Once he completes that phase at the institution, he will then be required to complete 120 to 180 days of supervision and treatment under the supervision of the Community Corrections Manager, ie: at the residential reentry center (RRC). Should he successfully complete the final phase and placement at the RRC prior to his current projected release date of December 27, 2015, his release date could possibly be moved up.

It is in Mr. Reams' best interests and recommended that he continue in the RDAP program, followed by placement at the RRC with transitional services versus taking the reduction for what will amount to 11 days, and be released no later than his current projected release date of December 27, 2015.